

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
At Albuquerque NM

SEP 01 2015

MATTHEW J. DYKMAN
CLERK

Case No.

15-MR-564

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Samantha A. Lovato
2825 Palo Verde Dr NE Apt A
Albuquerque, NM 87112

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Samantha A. Lovato's cellular telephone(s), her vehicle with license plate number MMA-902, her residence at 2825 Palo Verde Dr NE Apt A in Albuquerque, NM, as well as any outbuildings, sheds, and surrounding curtilage.

located in the _____ State and _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

A cellular telephone containing images taken of a restricted area at Sandia Resort and Casino (a gaming establishment and tribal organization) and a Sandia Casino security guard shirt.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 U.S.C. 1163	Embezzlement and theft from Indian tribal organizations
Title 18 U.S.C. 1167	Theft from a gaming establishment on tribal land

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Rachael Erin Pitchford

Applicant's signature

Rachael Erin Pitchford, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 1, 2015

City and state: Albuquerque NM

Karen B. Molzen

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

Your Affiant, Rachael Pitchford, having been duly sworn, does hereby depose and say:

Introduction

1. I have been a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, since October 2012. As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request arrest warrants. I am currently assigned to the FBI's Albuquerque Violent Crime Program in which I am authorized to investigate crimes occurring in Indian Country. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers and medical professionals. Because this affidavit is submitted for the limited purpose of securing a search warrant, your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only those facts that she believes are necessary to establish probable cause to support a search warrant for Samantha Lovato for her cellular phone(s), and her residence at 2825 Palo Verde Drive NE Apt A in Albuquerque, New Mexico, as well as surrounding outbuildings and curtilage, and a 2006 Buick Century license plate number MMA-902 for evidence pertaining to a theft from a gaming establishment and an Indian Tribal Organization.

Relevant Statutes

2. This investigation concerns an alleged violation of 18 U.S.C. §1163, whoever embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to any Indian tribal organization or entrusted to the custody or care of any officer, employee, or agent of an Indian tribal organization.
3. This investigation also concerns an alleged violation of 18 U.S.C. §1167, whoever abstracts, purloins, willfully misapplies, or takes and carries away with intent to steal, any money, funds, or other property of a value of \$1,000 or less belonging to an establishment operated by or for or licensed by an Indian tribe pursuant to an ordinance or resolution approved by the National Indian Gaming Commission.

Details of Investigation

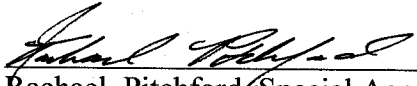
4. On August 24, 2015, a woman later identified as Samantha Lovato, date of birth 11/1/1988, entered a restricted access area of Sandia Casino. Lovato was seen on surveillance footage using a cellular phone to take a picture of a doorway leading to another restricted access elevator. She then entered the elevator and took it to the bottom floor, which opened into a storage facility and workshop for casino maintenance. She ascended a staircase and stopped at a row of shelves in which she pulled out various drawers containing different maintenance

parts, such as nuts, bolts, and fittings. The surveillance camera captured Lovato taking an unknown object from one of the pull-out drawers and putting it into her purse. She then descended the staircase, and entered the unlocked double doors to her right. The doors led to the substation controlling the power for the hotel portion of Sandia Casino and Resort. There were no surveillance cameras inside the substation. Shortly after Lovato entered, the power to the entire hotel went out. Back-up generators turned on about eight seconds later. Surveillance cameras captured Lovato exiting the back door from the substation on the northeast (back) side of the casino. She walked to the parking garage on the southwest side, went to the second level, walked across the garage, went to the ground level, and re-entered the casino at the main entrance.

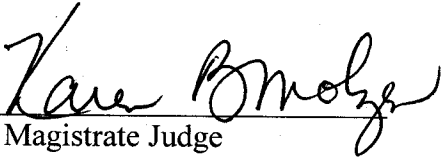
5. On Tuesday, August 25, 2015, the lead electrician notified Sandia Casino Security that the only cause of the previous night's power outage was due to someone manually pushing a button within the substation. Security started viewing surveillance footage and found the aforementioned images of the woman later identified as Lovato.
6. The electrician conveyed to your affiant that Lovato was fortunate to be alive, as there was a great potential for electrocution in the manner that the electricity was shut down. Due to the amount of voltage going through the substation, there was most likely arcing when the circuit was opened. Even the electricians who work at Sandia did not shut off power in this manner due to the inherent risk of electrocution.
7. On Wednesday, August 26, 2015, Lovato returned to Sandia Casino and Resort. She entered the same restricted access door that she entered on August 24. While in the employee area for uniforms, she stole a white button shirt worn by Sandia Casino security staff. The white shirt has a patch on the sleeve indicating Sandia Security. She exited the casino through the employee entrance/exit with the shirt in hand. She walked to a white Buick Century, license plate number MMA-902, in the parking garage and got into the driver's seat. Sandia Security parked a security truck behind the car to block her. While trying to maneuver out of the parking spot, the Buick Century hit the security truck. Lovato exited the parking garage, and drove the wrong way down the one-way entrance to the Casino, causing incoming cars to divert and swerve.
8. Sandia Resort and Casino is located within the exterior boundaries of the Pueblo of Sandia, and belongs to an Indian tribal organization.
9. Based on all of the above information and her training and knowledge, your Affiant submits there is probable cause to believe that evidence of a theft from a gaming establishment exists on Samantha Lovato's person, on her cellular phone(s), in her residence at 2825 Palo Verde Drive NE Apt A, or in the white Buick Century, license plate number MMA-902. Your Affiant respectfully requests that this Court issue a search warrant for the aforementioned cellular phone, vehicle, home, surrounding out buildings and sheds, and outside property for any evidence of the theft of the security guard uniform – to include the uniform itself and the cell phone picture taken by Lovato while in the restricted area – for the purpose of investigating a violation of Title 18 U.S.C. 1163, Embezzlement and theft from Indian tribal organizations, and Title 18 U.S.C. Theft from gaming establishments on Indian lands.

10. This warrant has been reviewed and approved for submission by AUSA Paul Spiers.

11. I swear that this information is true and correct to the best of my knowledge.


Rachael Pitchford, Special Agent – FBI

SUBSCRIBED and SWORN to before
me this 1st day of September, 2015


U.S. Magistrate Judge

Attachment A
Evidence to Be Recovered

- Recover a white button shirt with a Sandia Casino Security patch on the sleeve.
- Recover and process cellular phone(s) used to take a picture of the restricted access area within Sandia Casino.

Attachment B
Location and Description of Item to be Searched

- Residence of Samantha Lovato located at 2825 Palo Verde Dr NE Apt A in Albuquerque, NM.
- Any outbuildings and sheds on the aforementioned property, as well as the surrounding curtilage.
- White Buick Century with license plate number MMA-902.
- Cellular telephone Lovato used to take a picture of the restricted access area.

KBM